



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 27, 2023

BY ECF

Hon. Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1610
New York, New York 10007

Re: ***Khan v. U.S. Department of Defense et al.***,
18 Civ. 5334 (DLC)

Dear Judge Cote:

In accordance with the Court's memo-endorsed Order filed on January 26, 2023 (ECF No. 61), the parties write respectfully to provide a status report in this Freedom of Information Act ("FOIA") action.

The United States Central Command ("CENTCOM") has concluded its productions of records responsive to the three FOIA requests that are the subject of this litigation, which concern incidents of reported civilian casualties from military strikes. The parties have been meeting and conferring concerning CENTCOM's withholdings from the more than 10,000 pages of records processed in response to the FOIA requests. In light of the volume of records at issue, the parties are currently discussing a protocol for identifying a sample of records for which CENTCOM has agreed to provide a draft index describing the bases for its withholdings, for purposes of potentially narrowing the issues that may require summary judgment motion practice. If the parties agree on the sample and protocol, the same sample would be used to evaluate the government's withholdings in any future motion practice that may be necessary.

The parties propose to submit a further status report on or before May 29, 2023.

Respectfully,

DAMIAN WILLIAMS
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Status report due 5/29/23.
[Signature]
3/27/23

/s/ Katie Townsend
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